

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY JOE CURTIS,

Defendant.

**CR 09-86-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE’S FINDINGS AND  
RECOMMENDATIONS TO REVOKE  
DEFENDANT’S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 1, 2016. (Doc. 68.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 27, 2016. (Doc. 63.) Curtis admitted to violating his conditions of supervised release by using alcohol. (*Id.*) Judge Johnston found the evidence sufficient to establish that Curtis had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Curtis's supervised release. (Doc. 68.) Judge Johnston recommends that the Court remand Curtis to the custody of the United States Bureau of Prisons for three (3) months, with 33 months of supervised release to follow. (*Id.*)

Curtis's violation grade is Grade C, his underlying offenses are Class C felonies, and his criminal history category is IV. He could be incarcerated for up to 24 months on Count I and 24 months on Count II. He could be ordered to remain on supervised release for up to 36 months on Count I and 36 months on Count II, less any custody time imposed. The United States Sentencing Guidelines call for six to 12 months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Curtis's current violation is serious in nature. A sentence of three (3) months in custody followed by 33 months of supervised release is sufficient, but not greater than necessary.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 68) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED:**

- (1) That Defendant Billy Joe Curtis's supervised release shall be revoked;
- (2) That Curtis shall be remanded to the custody of the United States Bureau of Prisons for a period of three (3) months on Count I and three (3) months on

Count II, to run concurrently, followed by 33 months of supervised release on Count I and 33 months of supervised release on Count II, to run concurrently; and

(3) That the same conditions of supervised release previously imposed shall be continued, with the following condition added:

The defendant shall participate in a program for mental health treatment as deemed necessary by the United States Probation Office, until such time as the defendant is released from the program by the probation office. The defendant shall pay all or part of the cost of this treatment, as determined by the United States Probation Office.

DATED this 16th day of February, 2016.



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Brian Morris  
United States District Court Judge